

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KASHEYON LEE-CHIMA,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 1:20-2349</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>K. HUGHES, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

In accordance with the Memorandum issued this date, **IT IS HEREBY**

**ORDERED THAT:**

1. Defendants' motion ([Doc. 38](#)) to dismiss pursuant to [Federal Rule of Civil Procedure 12\(b\)\(6\)](#) is **GRANTED** in part and **DENIED** in part, as follows:
  - a. Defendants' motion is **GRANTED** as to Plaintiff's Eighth Amendment claim of deliberate indifference to serious medical needs. This claim is **DISMISSED without prejudice**.
  - b. Defendants' motion is **GRANTED** as to Plaintiff's Fourteenth Amendment claims of violation of procedural due process, deprivation of property without due process of law, and equal protection infringement. Plaintiff's claims of violation of procedural due process and deprivation of property without due process of law are **DISMISSED with prejudice**. Plaintiff's equal protection claim is **DISMISSED without prejudice**.
  - c. Defendants' motion is **GRANTED** as to Plaintiff's state-law claims of assault, battery, and false imprisonment. These claims are **DISMISSED with prejudice**.
  - d. Defendants' motion is **DENIED** in all other respects.

2. Plaintiff's claims against Defendants in their official capacities are **DISMISSED with prejudice** under 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.
3. If Plaintiff chooses to file a second amended complaint in conformity with the accompanying Memorandum, he must do so on or before **August 1, 2022**.
4. If Plaintiff chooses not to amend his pleadings a second time, his case will proceed on the following claims: (1) Eighth Amendment excessive force against Hughes, McHugh, and Van Burren in their individual capacities; and (2) Eighth Amendment failure-to-intervene against Van Burren in her individual capacity.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Dated: July 11, 2022**

20-2349-01-order